THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10413 OF 2007

ORDER:

The petitioner herein claims to be the cultivating tenant of the land to an extent of Ac.3.27 cents situated in Sy.Nos.298/1 & 285/1 of Vedangi village, Poduru mandal, West Godavari District, belonging to the 3rd respondent-Temple.

It is not in dispute that the claim made by the petitioner that he is a landless poor person was rejected by the 2nd respondent by order dated 10.8.2005. Thereafter, the 3rd respondent proposed to conduct auction on 17.5.2007 for grant of leasehold rights in respect of the land in question. Aggrieved by the said action, this writ petition has been filed.

I have heard the learned counsel for both the parties.

Since, admittedly, the petitioner is not a landless poor person, the lease in his favour stood cancelled under Section 82(1) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 with effect from the date of enforcement of the Act 30 of 1987. Hence, the mere fact that the petitioner has continued in possession of the land in question even thereafter and paid the maktha to the 3rd respondent is not a justifiable ground to issue a *writ of mandamus* restraining the respondents from putting the leasehold rights to auction following due process of law.

Accordingly, the writ petition is dismissed. However, this shall not preclude the petitioner to participate in the auction, if he so chooses. No costs.

14.6.2007.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.10413 OF 2007

14th June, 2007.

Between:

Vatsavayi Krishnam Raju. .. Petitioner.

And

Government of Andhra Pradesh,
represented by its Principal
Secretary (Endowments Dept.),
A.P. Secretariat, Hyderabad
and others. ..Respondents.

(G. ROHINI, J).

23rd April, 2007.
Kgr